

18.01 GENERAL PROVISIONS. (1) STATUTORY AUTHORIZATION. This chapter is adopted pursuant to the authorization in §§61.35, 61.3511, 87.30 and 144.26, Wis. Stats.

(2) FINDINGS OF FACT. Uncontrolled use of the shoreland-wetlands, floodplains, rivers and streams, and the pollution of the navigable waters of the Village would adversely affect the public health, safety, convenience and general welfare and impair the tax base. The Wisconsin Legislature has delegated responsibility to all municipalities to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and preserve shore cover and natural beauty.

(3) PURPOSE. To promote the public health, safety, convenience and general welfare, and protect life, health and property, this chapter has been established to:

(a) Maintain the storm and flood water storage capacity of wetlands.

(b) Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters.

(c) Protect fish spawning grounds, fish, aquatic life and wildlife by preserving wetlands and other fish and aquatic habitat.

(d) Prohibit certain uses detrimental to the shore land-wetland area.

(e) Preserve shore cover and natural beauty by restricting shore land-wetland excavation, filling and other earth-moving activities.

(f) Minimize expenditures of public monies for costly flood control projects.

(g) Reduce rescue and relief efforts, generally undertaken at the expense of the tax paying public.

(h) Prevent business interruptions which usually result in the loss of local incomes.

(i) Reduce damage to public facilities such as utilities, municipal buildings, streets and bridges which may be located in the floodplains.

(j) Prevent the occurrence of future flood blight areas on floodplains.

(k) Discourage the victimization of unwary land and home buyers.

(l) Prevent increases in regional flood heights which could increase damage during floods and which may result in conflicts or litigation between property owners.

(4) TITLE. This chapter shall be known as the Shore land-Wetland and Floodplain Zoning Code for the Village of Biron, Wisconsin.

(5) COMPLIANCE; OTHER PERMITS. Any development, as defined in sec. 18.02 of this chapter, in floodplains and shoreland-wet- lands shall be in full compliance with the terms of this chapter. It is the responsibility of the applicant to secure all other necessary permits from appropriate Federal, State and local agencies, including those required by the U.S. Army Corps of Engineers under Sec. 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334.

(6) MUNICIPALITIES AND STATE AGENCIES REGULATED. Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this chapter and obtain all necessary permits. State agencies are required to comply if §13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of State highways and bridges by the Wisconsin Department of Transportation are exempt when §30.12(4) (a), Wis. Stats., applies.

(7) ABROGATION AND GREATER RESTRICTIONS. (a) This chapter supersedes all the provisions of any municipal zoning ordinance enacted under §§62.23 and 62.231, Wis. Stats., for cities or §§61.35 and 61.351, Wis. Stats., for villages or §87.30, Wis. Stats., which relate to floodplains and shoreland-wetlands, except that where another municipal zoning ordinance is more restrictive than the provisions contained in this chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise. The more restrictive of either the shore land-wetland district or the floodplain district regulations shall apply when a property is located in both zoning districts.

(b) This chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

(8) INTERPRETATION. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this chapter is required by a standard in Wis. Adm. Code NR 116 or 117, and where the chapter provision is unclear, the provision shall be interpreted in light of the Wis. Adm. Code NR 116 or 117 standards in effect on the date of the adoption of this chapter or in effect on the date of the most recent text amendment to this chapter.

(9) WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection provided by this chapter is considered reasonable for regulatory purposes and is based on engineering experience and scientific methods of study. Larger floods may occur or the flood height may be increased by man-made or natural causes such as ice jams or bridge openings restricted by debris. Therefore, this chapter does not imply that areas outside of the delineated floodplain or permitted land uses within the floodplain will be totally free from flooding and associated flood damages; nor does this chapter create liability on the part of, or a cause of action against, the Village or any officer or employe thereof for any flood damage that may result from reliance on this chapter.

(10) ZONING MAPS. The maps designated below are hereby adopted and made part of this chapter. They are on file in the office of the Village Clerk.

(a) United States Geological Survey Quadrangle Maps revised and dated 1984.

(b) Wisconsin Wetland Inventory Maps stamped "FINAL" and dated December 1, 1987.

(c) Flood Insurance Study Maps with corresponding pro- files and the Flood Insurance Study from FEMA dated February 17, 1993.

(d) Zoning map titled "Village of Biron zoning Map" dated September 1, 1997.

(11) ANNEXED AREAS. The zoning of annexed lands shall comply with the provisions of §59.692, Wis. Stats. Annexed lands are designated on the Village's official zoning map. The Wood County shore land and floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the Village Clerk.

(a) Annexed Floodplains. The Wood County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the Village for all areas annexed by the Village until the Village adopts and enforces an ordinance which meets the requirements of Wis. Adm. Code NR 116.

(b) Annexed Shorelands. The Wood County shore land zoning provisions in effect on the date of annexation remain in effect administered by the Village for all shoreland areas annexed by the Village after May 7, 1982.